

CHAPTER MMCDXLIV.

AN ACT TO ALTER THE PLACE OF HOLDING THE ELECTIONS IN THE SEVENTH ELECTION DISTRICT IN HUNTINGDON COUNTY.

Section I. (Section I, P. L.) Be it enacted by the Senate, and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors of the seventh election district, in the county of Huntingdon, shall hold their elections at the house now occupied by Samuel Henry, in Barree township, any law, usage or custom to the contrary notwithstanding.

Approved March 5, 1804. Recorded in L. B. No. 9, p. 395.

CHAPTER MMCDXLV.

AN ACT AUTHORIZING THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD FROM THE WESTERN SIDE OF LAUREL HILL, NEAR UNIONTOWN, TO THE STATE LINE, IN A DIRECTION TOWARDS CUMBERLAND, IN THE STATE OF MARYLAND.

Section I. (Section I, P. L.) Be it enacted by the Senate, and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Ephraim Douglass, Alexander M'Clean, Nathaniel Breeding, Isaac Meason, Jacob Beeson, Jacob Bowman, Samuel Jackson, James W. Nicholson, Joseph Torrence, Charles Porter, John Cunningham, Samuel Trevor, and John Gibson, of Fayette county, John Heaton, John Minor, Hugh Barclay, and John Badolet, of Greene county, Neal Gillespie, Zephania Bell, Thomas Acheson, James Kerr, and Joseph Penticost, of Washington county, and Thomas Spencer, Abraham Morrison, James Mitchell, and John M'Clean, of Somerset county, be, and they are hereby

appointed commissioners, to do and perform the several duties hereinafter mentioned; that is to say, they shall procure two books, and in each of them enter as follows: We, whose names are hereunto subscribed, do promise to pay to the president, manager and company of the Union and Cumberland turnpike road company, the sum of one hundred dollars for every share set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled "An act authorizing the governor of this commonwealth to incorporate a company, for making an artificial road from the western side of Laurel hill, near Uniontown, to the state line, in a direction towards Cumberland, in the state of Maryland." Witness our hands the day of in the year of our Lord one thousand eight hundred and ;" and shall give notice in the public papers printed at Uniontown, Washington, and Greensburg, and in the Maryland Herald, and in one of the public papers in Philadelphia, for one calender month at least, of the times and places when and where the said books will be open, to receive subscriptions of stock for the company; at which respective times and places some three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall be kept open for the purpose at least six hours in every juridical day, for the space of three days, if three days shall be necessary; and on the first of the said days any person of the age of twenty-one years shall be at liberty to subscribe in his own or any other name or names, by whom he shall be authorized, for one share; on the second day for one or two shares; on the third day for one, two or three shares, and on any succeeding day, whilst the said books shall remain open, for any number of shares in the said stock; and at the expiration of the said three first days, the said commissioners respectively may adjourn to such times as they shall judge proper; and, if upon ascertaining the number of shares subscribed at the places aforesaid, respectively, they

shall not in the whole amount to two hundred and fifty, the said commissioners may receive subscriptions at any of the said places, until two hundred and fifty shares shall in the whole be subscribed; and every person offering to subscribe in the said books in his own name, or in the name of any other person shall previously pay to the attending commissioners five dollars for every share to be subscribed, out of which shall be defrayed the expense attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when sixty person or more shall have subscribed for three hundred or more shares of the said stock, the said commissioners respectively, may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers and number of shares subscribed by or apportioned to each subscriber, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers; and if the said subscription be not full at the time, then also those who shall after subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company of the Union and Cumberland turnpike road;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary, to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, and for any lesser estate, all such lands, tenements, hereditaments and estate, real and

personal, as shall be necessary to them in the prosecution of their works, and of suing and of being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the seven persons first mentioned in the said letters patent, shall, as soon as conveniently may be, give thirty days notice in the public papers aforesaid, of the time and place by them appointed for the said subscribers to meet, in order to organize the said corporation, and to choose, by a majority of votes of the said subscribers, by ballots to be delivered in person or by proxy, one president, eight managers, one treasurer and such other officers as shall be deemed necessary, to conduct the business of the said company, until the first Monday in March then next ensuing, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of this commonwealth, and as may be necessary for the well-governing the affairs of the said company: Provided always, that no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he or she may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet at such times and places in every year as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws; at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations, made as aforesaid, and to do and perform any other corporate act.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers

first chosen as aforesaid, shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him or her subscribed and held, he or she paying five dollars for each share, which certificate shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, subject however to all the payments due and to grow due thereon; and the assignee, holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation; and for every certificate assigned to him or her as aforesaid, shall be entitled to one share of the capital stock, and of all the estate and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, five members shall form a quorum, and who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary, to carry on the intended works, and to fix their salaries and wages, to ascertain the times when, and manner and proportions in which the stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer for all monies, necessary to pay the salaries or wages of persons by them employed, and for the materials provided; which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and generally to do all such other acts, matters and things, as by this act and by the by-laws, rules, orders and regulations of the company they shall be authorized to do.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, shall neglect to pay such proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of three per centum per month for every month's delay of such payment after the time first appointed for it to be made; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part, and on account of such share, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase for such prices as can be obtained for the same.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers, their superintendents, surveyors, engineers, artists and chain-bearers, to enter into and upon all and every the lands and inclosures in, through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground most suitable for the purpose, and the quarries and beds of stone and gravel, and other materials in the vicinity that will be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route or track for the same, as in the best of their judgment and skill will combine shortness of distance with the most practicable ground from Uniontown, in a direction towards Cumberland, in the state of Maryland, until it shall strike the division line between the two states.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers, their superintendents, engineers, artists, workmen and laborers, with

their tools and instruments, carts, wagons, wains and other carriages, and beasts of draught and burden, to enter upon the lands, in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, and also for the value of the materials by appraisement to be made, in the manner hereinafter directed, and upon reasonable agreement, if they can agree; if they cannot agree, then upon an appraisement to be made upon oath or affirmation, by three disinterested reputable freeholders, to be mutually chosen; and if either the said president and managers, or the said owners, shall, upon due notice, neglect or refuse to join in the choice, then it shall and may be lawful for any justice of the peace of the county where the said damage may be done, not interested on either side, to appoint the said freeholders; and upon tender of the value so appraised as aforesaid, it shall and may be lawful for the said president and managers, or for any person or persons by his or their directions, to dig, cut, take and carry away any timber, stone, gravel, sand or earth there being most conveniently situated for making or repairing the said road: Provided always, That the parties have the same right of appeal from the award of the said freeholders that parties now have from the decision of justices of the peace.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company, shall have a right to cause a road to be laid out sixty feet wide, and at least twenty feet thereof to be made an artificial road, bedded with wood, stone, gravel or any other hard substance, well compacted together, and of sufficient depth to secure a solid foundation to the same, in such manner as to secure, as near as the materials will admit of it, a firm and even surface, rising towards the middle by a gradual arch, and so nearly level in its progress as that it shall, in no place, rise or fall more than will form an angle

of five and an half degrees with a horizontal line, and shall for ever hereafter maintain and keep the same in good and perfect order and repair, from the town of Union to the line aforesaid

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so soon as the said president, managers and company, shall have perfected the road, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three skillful and judicious persons to view and examine the same, and report to him in writing, whether the said road is executed in a masterly, workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the governor shall by license under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts, and carriages.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said company, having perfected the said road, and the same being examined, approved and licensed, in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop and detain any person riding, leading or driving any horses, cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same; that is to say, for every ten miles of the said road the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs, or cattle, to wit: For every score of sheep twelve cents; for every score of hogs twelve

cents; for every score of cattle twenty-five cents; for every horse and his rider, or led horse, six cents; for every sulky, chair or chaise, with one horse and two wheels, twelve and one half cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, thirty cents; for either of the carriages last mentioned, with four horses, forty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage-wagon with two horses, thirty cents; and for every such wagon with four horses, forty cents; for every sleigh or sled, six cents for each horse drawing the same; for every cart or wagon, whose wheels do not exceed the breadth of four inches, six cents for each horse drawing the same; for every cart or wagon, whose wheels shall exceed in breadth four inches, and not exceed seven inches, six cents for each horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, four cents for each horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceed twelve inches, or being ten inches shall roll more than fifteen inches, three cents for each horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, two cents for each horse drawing the same: Provided, that no toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to and from any place of public worship, or from persons attending any funeral, in their going to or returning from any place of burial, on days appointed for those purposes.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road between the first day of December and the first day of May following in any year or years, with a greater weight thereon than two and one half tons, or with more than three tons during the

residue of the year; that no such carriage the breadth of whose wheels shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the said first days of December and May, with more than three and one half tons, or with more than four tons during the residue of the year; that no such carriage, the breadth of whose wheels shall not be ten inches, or more, or being less, shall not roll at least twelve inches, shall be drawn along the said road between the said first days of December and May, with more than five tons, or with more than five and an half tons during the residue of the year; that no cart or other carriage with two wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of December and May, or with more than one and an half tons during the residue of the year; that no such carriage, whose wheels shall not be of the breadth of seven inches, shall be drawn along the said road with more than two and an half tons, between the first days of December and May, or with more than three tons during the residue of the year; that no such carriage, whose wheels shall not be of the breadth of ten inches, shall be drawn along the said road between the said first days of December and May, with more than three and an half tons, or with more than four tons during the residue of the year; that no greater weight than seven tons shall be drawn along the said road in any carriage whatever, between the said first days of December and May, nor more than eight tons during the residue of the year; and if any wagon or other carriage shall be drawn along the said road with a greater weight than is hereby allowed, the owner or owners of such carriage shall forfeit and pay four times the customary toll for the use of the company: Provided always, that it shall and may be lawful for the said company, by their by-laws, to alter any or all of the regulations herein contained respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations, if upon experience such alterations shall be found conducive to the

public good: Provided always, that such regulations shall not lessen the burden of carriages above described.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses, and partly by oxen, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if the company shall neglect to keep the said road in good and perfect order and repair, for the space of five days, and information thereof shall be given to any justice of the peace of the neighborhood, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said justice shall at such time and place, by oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition, to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes and gates, for passing the interval of road between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next general court of quarter sessions of the peace to be held for the county wherein the said defective part or parts of

the said road shall be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed upon such inquisition, in the same manner and form as upon indictments found by the grand inquest for the body of the county against supervisors of the highways for neglect of their duty; and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offense by the said inquisition charged, the said court shall give such judgment, according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court; and shall be paid to the supervisors of the highways of the township wherein the offense was committed, to be applied to repairing such highways as the township or county is bound to maintain and repair at the public expense thereof.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any toll-gatherer on the said road shall demand and receive from any person or persons using the same, any greater or higher toll than by this act is authorized, or shall receive toll for any part of said road which may be declared to be out of order and repair, until it shall be repaired, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offense, to the use of the poor of the proper township, to be recovered as debts of equal amount are or may be by law recoverable.

Section XVII. (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons, whosoever, owning, riding in, or driving any sulkey, chair, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, or owning, riding, leading or driving any horse, mare, gelding, hogs, sheep or other cattle, shall

therewith pass through any private gate or bars, or along or over any private passage way, or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with the intent to defraud the company and evade the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons, with such intent take off, or cause to be taken off, any horse, mare, gelding or other cattle, from any sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person and persons, in all or any of the ways or manners aforesaid offending, shall for every such offense respectively, forfeit and pay to the president, managers and company of the Union and Cumberland turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace in like manner and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered.

Section XVIII. (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all the monies received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also all monies by them expended in the prosecution of their said work, and shall once at least in every year submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until the costs, charges and expenses of effecting the same shall be fully paid and discharged; and the aggregate amount of such expenses shall be liquidated and ascertained, and, if upon such liquidation, or whenever the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true

intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the monies subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscriptions, or as shall be provided by their by-laws.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company, shall also keep a just and true account of all and every the monies received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from beginning to end, and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock, and shall on the first Monday in March and September in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and cause the same to be paid accordingly.

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every third year from the date of the incorporation until two years next after the whole road shall be completed, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole amount of their capital expended in the prosecution of the said work, and of the income and profits arising from the said tolls, for and during the said respective periods, together with an abstract account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known, and, if at the end of two years after the said road shall be completed, from the beginning to the end thereof, it shall appear from the average

profits thereof for the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall be lawful to and for the said president, managers and company, to increase the tolls herein above allowed, in equal proportions, upon each and every allowance thereof, so as to raise the dividends up to six per centum per annum; and at the end of every ten years after the said road shall be completed, they shall render to the general assembly a like abstract of their accounts for three preceding years; and if at the end of any such decennial period it shall appear, from such abstract, that the clear profits and income of the said company will bear a dividend of more than nine per centum per annum, then the said tolls shall be so reduced as to reduce the said dividend down to nine per centum per annum.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause posts to be erected at the intersection of every public road falling into and leading out of the said turnpike road, with boards and index-hands pointing to the direction of such road, on both sides whereof shall be inscribed, in legible characters, the name of the town, village or place to which such road leads, and the distance thereof in computed miles.

Section XXII. (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause milestones to be placed on the side of the road, beginning at the distance of one mile from the town of Union aforesaid, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked, in plain legible characters, the respective number of miles which each stone is distant from the said town of Union; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the town of Union aforesaid, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place, for the information of travellers and others using

the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or milestones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, such person, being convicted thereof by the evidence of one or more credible witness or witnesses, before any disinterested justice of the peace of the county where any of the said posts, boards, index-hands, milestones and directions on the said gates or other conspicuous places shall be destroyed or defaced, he shall be adjudged by the said justice to pay a fine not exceeding ten dollars, to be recovered with costs as debts of equal amount are or may be by law recoverable; which fine, when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the company.

Section XXIII. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That all wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any justice, in the same manner as debts under forty shillings are by law recoverable.

Section XXIV. (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That if the company shall not proceed to carry on the said work within six years after the passing of this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then, in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted to the company, shall revert to this commonwealth.

Section XXV. (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That if the legislature should at any time after the year one thousand eight hundred

and thirty, think proper to take possession of the said road, or to declare the same to be free of toll, five persons shall be appointed by the legislature, and five by the president and managers of the said company, who, or any six or more of them, shall proceed to examine and estimate the value of the property which the said company hath therein, and certify the amount thereof to the governor of this commonwealth, who shall cause the same to be laid before the legislature at their next session; and whenever the amount so certified shall be by law paid to the said company, their right to take toll on the said road, together with all their right, title, claim and interest therein, shall cease and determine.

Approved March 5, 1804. Recorded in L. B. No. 9, p. 395.

CHAPTER MMCDXLVI.

AN ACT DECLARING PART OF CONEDOGWINIT CREEK, IN THE COUNTY OF CUMBERLAND, A PUBLIC HIGHWAY.

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Conedogwinit creek, from the Cove fording to the Franklin county line, shall be, and the same is hereby declared to be a public highway, for the passage of boats and rafts along the same, and it shall and may be lawful for the inhabitants desirous of improving or using the navigation of the said creek, to remove all natural and artificial obstructions from below the Cove ford, on said creek, to the Franklin county line aforesaid: Provided in doing the same, they shall not thereby do any damage to private property.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed, taken or understood, to prevent any person or persons possessing land on said creek, who, before the passing of this act had authority under the law of this commonwealth to erect a dam or dams, from erecting the same, as